

## **CHILD CARE PROGRAM - NOTICE OF REQUIREMENT TO COOPERATE & RIGHT TO CLAIM GOOD CAUSE FOR REFUSAL TO COOPERATE IN CHILD SUPPORT ENFORCEMENT**

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### **BENEFITS OF CHILD SUPPORT ENFORCEMENT**

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Your cooperation in the child support enforcement process may be of value to you and your child because it might result in the following results:

- Finding the absent parent;
- Legally establishing your child's paternity;
- The possibility that support payments will reduce your need for child care assistance; and
- The possibility that you and your children may obtain rights to future social security, veterans or other government benefits.

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### **WHAT IS MEANT BY COOPERATION?**

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The rule requires you to cooperate with the child care resource and referral and child support agencies to get any support owed to you unless you have good cause for not cooperating.

In cooperating with the child care resource and referral or child support agency, you may be asked to do one or more of the following things:

- Name the parent of any child applying for or receiving child care assistance, and give information you have to help find the parent;
- Help determine legally who the father is if your child was born out of wedlock;
- Give help to obtain money or medical coverage owed to you or the children.

You may be required to come to the child care resource and referral office, child support office, or court to sign papers or give necessary information.

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### **WHAT IS MEANT BY GOOD CAUSE?**

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You may have good cause not to cooperate in the State's efforts to collect child support. You may be excused from cooperating if you believe that cooperation would not be in the best interest of your child, and if you can provide evidence to support this claim.

**If you do not cooperate and do not have good cause, you will be ineligible for child care assistance.**

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### **HOW AND WHEN YOU MAY CLAIM GOOD CAUSE**

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If you want to claim good cause, you must tell your child care resource and referral eligibility specialist that you think you have good cause. You can do this at any time you believe you have good cause not to cooperate.

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### **GOOD CAUSE CIRCUMSTANCES**

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You may claim to have good cause for refusing to cooperate if you believe that such cooperation would not be in the best interest of your child. The following are circumstances under which the child care resource and referral agency may determine that you have good cause for refusing to cooperate:

- Cooperation is anticipated to result in serious physical or emotional harm to the child;
- Cooperation is anticipated to result in physical or emotional harm to you which is so serious it reduces your ability to care for the child adequately;
- The child was born after forcible rape or incest;
- Court proceedings are going on for adoption of the child; or
- You are working with an agency helping you to decide whether to place the child for adoption.

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### **PROVING GOOD CAUSE**

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It is your responsibility to:

- Provide the child care resource and referral agency with the evidence needed to determine whether you have good cause for refusing to cooperate. (If the reason for claiming good cause is your fear of physical harm and it is impossible to obtain evidence, the child care resource and referral agency may still be able to make a good cause determination after an investigation of your claim.)

### PROVING GOOD CAUSE *continued* . . .

- **Give the necessary evidence to the agency within 30 days after claiming good cause. The child care resource and referral agency will give you more time only if it determines that more than 30 days are required because of the difficulty in obtaining the evidence.**

The child care resource and referral agency may:

- Decide your claim based on the evidence which you give to the agency, or
- Decide to conduct an investigation to further verify your claim. If the child care resource and referral agency decides an investigation is needed, you may be required to give information such as the absent parent's name and address to help the investigation. The agency will not contact the absent parent without first telling you.

**NOTE:** If you are an applicant for child care assistance, you will not be certified for child care benefits until you have given the agency the evidence needed to support your claim and, if requested, the information needed to permit an investigation of your claim.

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### EXAMPLES OF ACCEPTABLE EVIDENCE

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The following are examples of acceptable kinds of evidence the child care resource and referral agency can use in determining if good cause exists.

If you need help in getting a copy of any of the documents, ask the child care resource and referral agency. The child care resource and referral agency will give you reasonable assistance which is needed to help you obtain the necessary documents to support your claim.

- Birth certificates, or medical or law enforcement records, which indicate that the child was conceived as the result of incest or forcible rape;
- Court documents or other records which indicate that legal proceedings for adoption are pending in court;
- Court, medical, criminal, child protective services, social services, psychological, or law enforcement records which indicate that the alleged or absent father might inflict physical or emotional harm on you or the child;
- Medical records which indicate emotional health history and present health status of you or the child for whom support would be sought; or written statements from a mental health professional indicating a diagnosis or prognosis concerning the emotional health of you or the child;
- A written statement from a public or private agency confirming that you are being assisted in resolving the issue of whether to keep or give up the child for adoption; and
- Sworn statements from individuals, including friends, neighbors, clergymen, social workers, and medical professionals who might have knowledge of the circumstances providing the basis of your good cause claim.

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### CHILD SUPPORT AGENCY PARTICIPATION AND ENFORCEMENT

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Child Support Enforcement may review the child care resource and referral agency's findings and the basis for a good cause determination in your case. If you request a hearing regarding this issue of good cause for refusing to cooperate, Child Support Enforcement may participate in that hearing.

If you are found to have good cause for not cooperating, Child Support Enforcement may attempt to establish paternity or collect support only if the child care resource and referral agency determines that this can be done without risk to you or your child. This will not be done without first telling you.

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### WHAT IF AN ABSENT PARENT IS LOCATED AND REFUSES TO PAY CHILD SUPPORT?

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Your child care assistance will continue. Child Support Enforcement will seek court or other legal remedies that could result in withholding of the absent parent's property or wages to pay for child support.

**I have read this notice concerning my right to claim good cause for refusing to cooperate.**

\_\_\_\_\_  
(Signature of applicant/participant)

\_\_\_\_\_  
(Date)

**I have provided the applicant/participant with a copy of this notice.**

\_\_\_\_\_  
(Signature of child care resource and referral eligibility specialist)

\_\_\_\_\_  
(Date)